

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JORGE DENIS,

Petitioner,

-v-

9:12-CV-1562

DAVID M. UNGER, Superintendent,

Respondent.

APPEARANCES:

JORGE DENIS
Plaintiff pro se
04-B-2782
Wyoming Correctional Facility
P.O. Box 501
Attica, NY 14011

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendant
120 Broadway
New York, NY 10271

DAVID N. HURD
United States District Judge

OF COUNSEL:

LISA E. FLEISCHMANN, ESQ.
Ass't Attorney General

DECISION and ORDER

Petitioner Jorge Denis brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On August 6, 2013, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised, by Report-Recommendation, that the petition be denied and dismissed. No objections to the Report-Recommendation were filed.

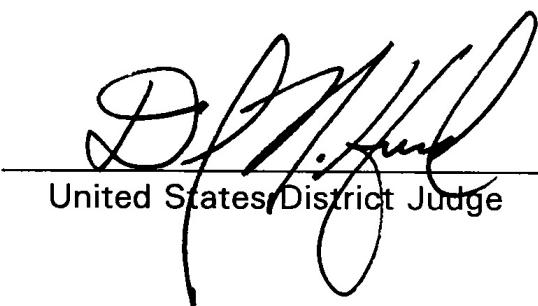
Based upon a careful review of entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. § 636(b)(1); Rule 10, Rules Governing Section 2254 Cases.

Therefore, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and DISMISSED.

Because petitioner has not made a substantial showing of the denial of any constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253.

IT IS SO ORDERED.



United States District Judge

Dated: September 19, 2013
Utica, New York.